

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CITYZENITH HOLDINGS, INC., and)	
MICHAEL JANSEN,)	
)	
Plaintiffs,)	
)	
v.)	22-cv-05101
)	Hon. Sara E. Ellis, District Judge
SHANE LIDDELL, and CALEB NAYSMITH,)	
)	
Defendants.)	

INITIAL JOINT STATUS REPORT

—

Pursuant to the Minute Order issued herein on November 15, 2022 the parties, through their undersigned counsel, respectfully submit the following Joint Status Report.

Case History

This case was filed September 19, 2022 by Lubin Austermuehle, P.C. and the Law Offices of Terrence Buchler. On September 21, 2022, an Amended Complaint was filed by the same counsel. On October 6, 2022, Defendant Liddell's Waiver of Service was filed. On October 13, 2022, on motion of the Plaintiffs, Defendant Naysmith was dismissed from the case. On November 15, 2022, Plaintiffs' counsel were all permitted to withdraw, on their respective motions. By Minute Order issued that date, the Court gave Plaintiffs until January 6, 2023 to obtain new counsel. Per the November 15, 2022 Minute Order, a status report is due today, January 11, 2023, and the case is set for a status conference on January 18, 2023.

Per the Waiver, Defendant Liddell's appearance and pleading were due January 4, 2023. On December 30, 2022, the undersigned defense counsel entered an appearance for Defendant Liddell, and moved the Court for additional time to file a responsive pleading. On January 3, 2023,

the undersigned Plaintiffs' counsel entered an appearance for the Plaintiffs. On the same day, the Court granted Defendant Liddell until February 6, 2022 to file his responsive pleading.

1. Nature of the Case.

A. Attorneys. The present attorneys for the parties are identified below, with their contact information. Each will be lead counsel at trial.

B. Nature of Claims. This action arises from certain posts on the Internet platform LinkedIn.com. The legal theories pled are Defamation Per Se (Count I), and False Light Invasion of Privacy (Count II). In the event the Court finds personal jurisdiction over Defendant Liddell, he may assert Counterclaims arising from the same nexus of fact.

C. Major Legal And Factual Issues. Whether Defendant Liddell defamed Plaintiffs or placed them in a false light. Whether Defendant's statements were true. Whether Plaintiffs sustained damage. Whether the Court has personal jurisdiction over Defendant.

D. Relief Sought. The Amended Complaint seeks injunctive relief requiring the removal of the allegedly defamatory posts and cessation of further defamation, plus \$6M in actual damages and \$2M in punitive damages, costs and attorneys' fees.

2. Basis for Federal Jurisdiction. The Amended Complaint alleges diversity jurisdiction. Actual damages of \$6M are alleged. Defendant is alleged to be a citizen of Australia, and a Florida resident. Neither of those allegations is correct, but he is a foreign national (dual citizen of the United Kingdom and South Africa) and a former resident of Florida. Plaintiff Jansen is alleged to be a Chicago resident, and Plaintiff Cityzenith is alleged to be a Delaware corporation with its principal place of business in Chicago.

3. Status of Service. Only Defendant Liddell remains in the case, and he has filed a Waiver of Service and appeared.

4. Consent to Proceed Before a Magistrate Judge. This is not a matter which counsel for the parties have had the opportunity to discuss with their clients, in part because it does not appear from the docket that a Magistrate Judge has yet been assigned to this case.

5. Motions.

A. Pending Motions. None.

B. Whether Defendant Anticipates Responding to Complaint by Motion. Yes. Motion to Dismiss under Fed.R.Civ.P. 12(b)(1). Defendant Liddell does not have the requisite minimum contacts with the forum.

6. Case Plan.

A. Proposed Discovery Plan. The parties respectfully submit that this is premature at the moment, as they are not at issue and it is yet to be determined whether the Court has jurisdiction. The parties respectfully submit that the status hearing previously set for January 18, 2023 should be moved to some date after the Defendant's responsive pleading is due, which is now February 6.

B. Trial. The Plaintiffs have demanded a jury trial. The length of a trial is difficult to estimate at this time, but will likely be at least several days.

7. Settlement.

A. Whether Settlement Discussions Have Occurred. There was brief contact between prior counsel for the parties, but no significant result.

B. Status of Discussions. Nothing is pending.

C. Whether the Parties Request a Settlement Conference. Not at this time.

SHANE LIDDELL

CITYZENITH HOLDINGS, INC. and MICHAEL
JANSEN

By: /s/ Marcos Reilly

By: /s/ Max B. Goodman

Marcos Reilly
HINSHAW & CULBERTSON LLP
151 N. Franklin St., Suite 2500
Chicago, IL 60606
(312) 704-3779
mreilly@hinshawlaw.com

Max B. Goodman
AMUNDSEN DAVIS LLC
150 North Michigan Ave, Suite 3300
Chicago, Illinois 60601
(312) 894-3282
mgoodman@amundsendavislaw.com